

Michael Robert Jones

Case Number: 21-30537

Carla Jean Jones

Chapter 7

Plaintiff

Adversary Proceeding No.

v.

Navient Solutions, LLC

Defendant

U.S. BANKRUPTCY COURT, WDNC  
FILED  
DEC 13 2021  
Steven T. Salata, Clerk  
Charlotte Division/CCH

Complaint to determine the dischargeability of student loan debt as an undue hardship.

**Plaintiff:** Michael Robert Jones and Carla Jean Jones are citizens of both North Carolina and the United States, who reside in Gastonia, North Carolina which is within the jurisdiction of the Western District of North Carolina.

**Defendant:** Navient Solutions LLC, a subsidiary of Navient Corporation, whose headquarters are located at 123 Justison Street, #300, Wilmington, Delaware 19801.

1. Michael (age 55) and Carla (age 52) were married in April 2005. We have two sons, ages 11 years and 8 years old. We recently had to move out of California when, due to COVID affecting his business, Michael had to close his chiropractic office after 16 years of serving the public. We did not own a home or any real estate, and left California with only our personal belongings. We are currently living with Carla's sister in Gastonia, North Carolina.

2. Aside from the sentimental items we brought from California our assets are nonexistent. We do not have much and everything we have is used. We do not own a home. We have no retirement savings. We have no stocks or bonds. We have nothing of value that can be sold to support our family. We have no long term financial security. We currently have no health insurance.

3. Michael is currently unable to work due to a wrist injury and knee injury. It is difficult for him to maintain his role as a Chiropractor while he is recovering from his injuries and he is not certain how long he may be able to work in his field. A full recovery is not likely. Over the 16 years of being a

chiropractor, we have not been able to pay down his student loans. While being one of the most prosperous states, California is also one of the most expensive, and we were never able to get ahead enough to get past the basic needs for our family.

4. As it stands now, neither of us are working nor are we collecting unemployment benefits. Carla is looking for work that will not impact the homeschooling of our children. Michael is looking for other sources of income that he might be able to do without further injury and still have our children have adult supervision. We have used up the little savings we have and are getting help where we can just to support our family of four. We are concerned that as the boys get older our expenses will only increase. We currently only have one vehicle, that we are still making payments on, and we will most likely need a second one in the future.

5. We have been living without luxuries for many years now and do not see a way it will change in the future. Even if Michael is able to find work and Carla is able to work part-time, with the current cost of living we do not see how we will be able to pay back these student loans. We are both over 50

years old, and even if we both had full time jobs it is not feasible that the loans would be paid back.

6. To successfully obtain his degree, Michael had to borrow close to \$160 thousand from Sallie Mae, now Navient Solutions, LLC. Over the years, Michael, has made payments on that debt whenever he could. He has requested deferments, forbearances, and interest rate reduction opportunities when he could not. Those efforts, however, have gotten Michael nowhere. His balances have nearly doubled; he now owes over \$257 thousand.

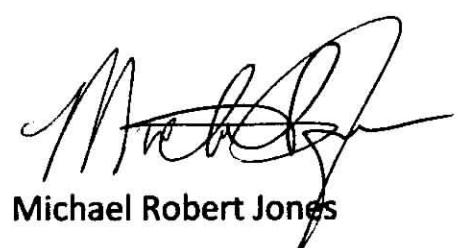
7. Relief is not on the horizon. Because these are private loans, the loans do not qualify for any type of forgiveness that would give Michael a reasonable shot at getting out from under this debt.

8. Michael cannot pay these loans back while maintaining even a minimal standard of living for himself and his dependents. Repayment of the loans held by Navient Solutions, LLC imposes an undue hardship on Michael and his dependents.

We respectfully ask the Western District of North Carolina Bankruptcy Court to:

- Determine that in accordance with 11 USC § 523(a)(8), the repayment of Michael's loans would impose an undue hardship on him and his dependents.
- Determine that Michael's loans are discharged in our bankruptcy proceeding.
- Grant such other relief this Court deems just and proper.

Respectfully submitted,



Michael Robert Jones



Carla Jean Jones